

IN RE: PETITION FOR ZONING VARIANCE
W/S of School Lane,
75' +/- N of Holabird Avenue
(7427 School Lane)
12th Election District
7th Councilmanic District
Vernon R. Fox, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 1.5 feet, more or less, in lieu of the required 10 feet, and a rear yard setback of 4.5 feet, more or less, in lieu of the required 30 feet for an existing garage and proposed garage and storage room additions in accordance with Petitioner's Exhibits 1A and 1B.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were Stephen M. Galicki and William McCubbin, Contractors, and Nicholas Comadari. Appearing as a Protestant was Pauline Marshall.

Testimony indicated that the subject property, known as 7427 School Lane, consists of 5,000 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and detached garage. Petitioners testified that due to their poor health and inadequate parking along School Lane, they propose constructing a new garage and converting the existing garage to storage space. Mrs. Fox testified that although her health is deteriorating, she continues to work each day and would find it of great assistance to be able to park her vehicle in an attached garage and avoid being exposed to inclement weather. The two buildings would be attached to one another and connected to the dwelling via a breezeway.

Mrs. Marshall, the adjoining property owner, is opposed to the requested variances due to the potential water problems the proposed addi-

tions could create on her property. The Contractors testified as to their intention to insure the additions have oversized gutters and that all gutter systems are connected to an underground drain which will direct any water runoff to the alley and away from adjacent properties. Mr. McCubbin further testified that the proposed improvements will result in the collection and better flow of water runoff from Petitioners' property.

Subsequent to the hearing, the Office of Planning and Zoning submitted comments in support of the requested variance; however, they recommended that the existing garage and carport be removed rather than expanded as proposed by Petitioners. Due to the size of the proposed improvements, the Deputy Zoning Commissioner advised the Petitioners of Baltimore County's concerns regarding the overdevelopment of the subject property and gave them the opportunity to modify their request. Petitioners subsequently notified the Zoning Office that they would not pursue the instant variance request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented and in view of the fact that Petitioners have withdrawn their request, the Petition for Zoning Variance shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

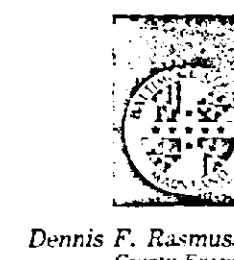
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of May, 1989 that the Petition for Zoning Variance to permit a side yard setback of 1.5 feet, more or less, in lieu of the required 10 feet, and a rear yard setback of 4.5 feet, more or less, in lieu of the required 30 feet for an existing garage and proposed garage and storage room additions, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

May 3, 1989



Mr. & Mrs. Vernon R. Fox
7427 School Lane
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
W/S School Lane, 75' +/- N of Holabird Avenue
(7427 School Lane)
12th Election District - 7th Councilmanic District
Vernon R. Fox, et ux - Petitioners
Case No. 89-186-A

Dear Mr. & Mrs. Fox:

Enclosed please find a copy of the decision rendered in the above-captioned matter. In accordance with your request for withdrawal, the Petition for Zoning Variance has been denied as set forth in the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Messrs. Steve Galicki and William McCubbin
2822 Bay Drive, Baltimore, Md. 21219

Mrs. Pauline Marshall
505 S. Milton Avenue, Baltimore, Md. 21224

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 12-11.1 to allow existing side yard setback of 1.5' in lieu of the required 10' and to allow an existing rear yard setback of 4.5' in lieu of the required 30'.

Because of the poor health of the owners (hard heart and hard leg) and coupled with inadequate parking along School Lane, these additions are needed to make parking easier for the owners when there is inclement weather. If the variances were not granted, it would cause hardship and create practical difficulty.

An unattached garage presently exists in the rear yard and the proposed additions will not come any closer to the side and rear property lines than the existing garage walls and the house wall.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

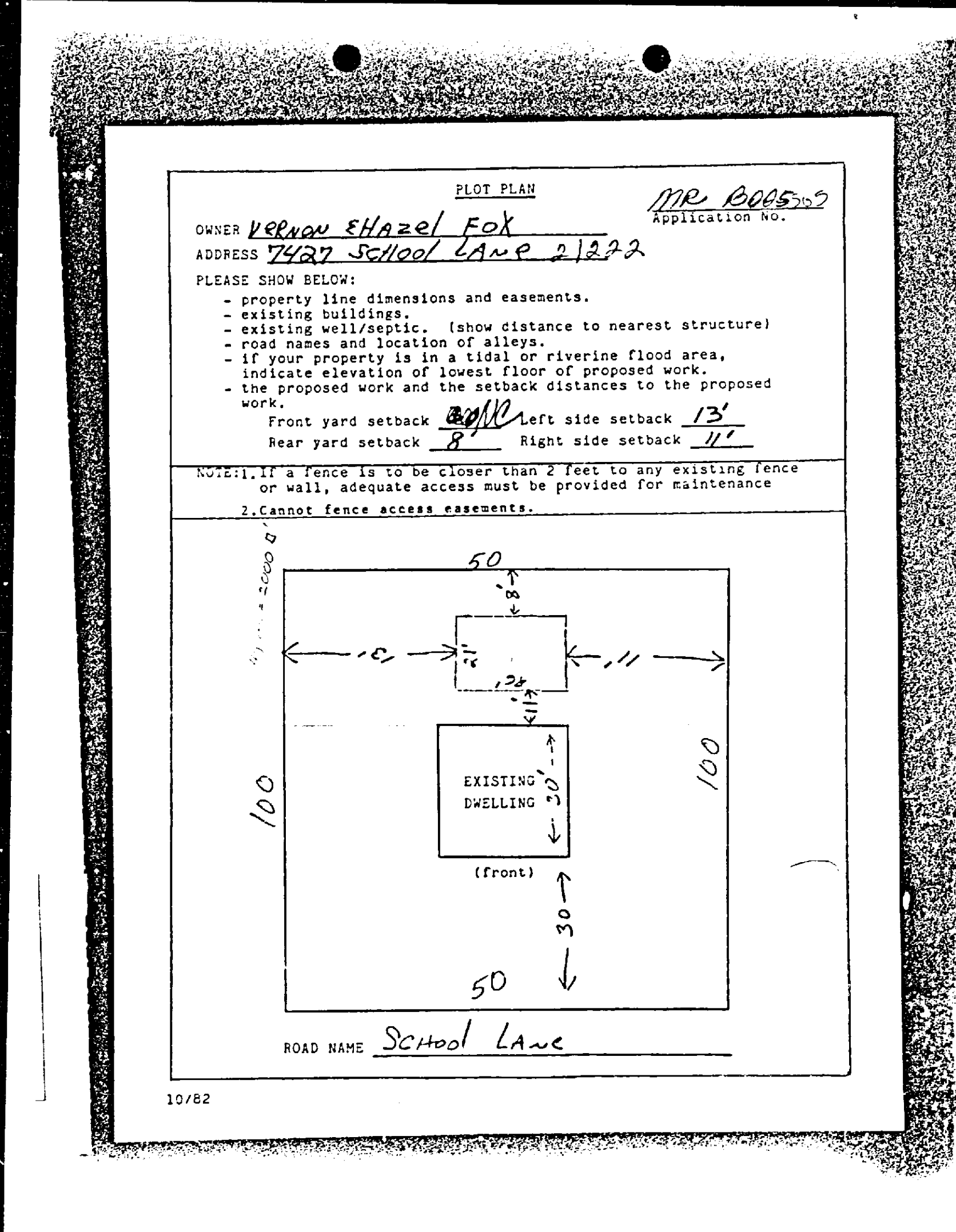
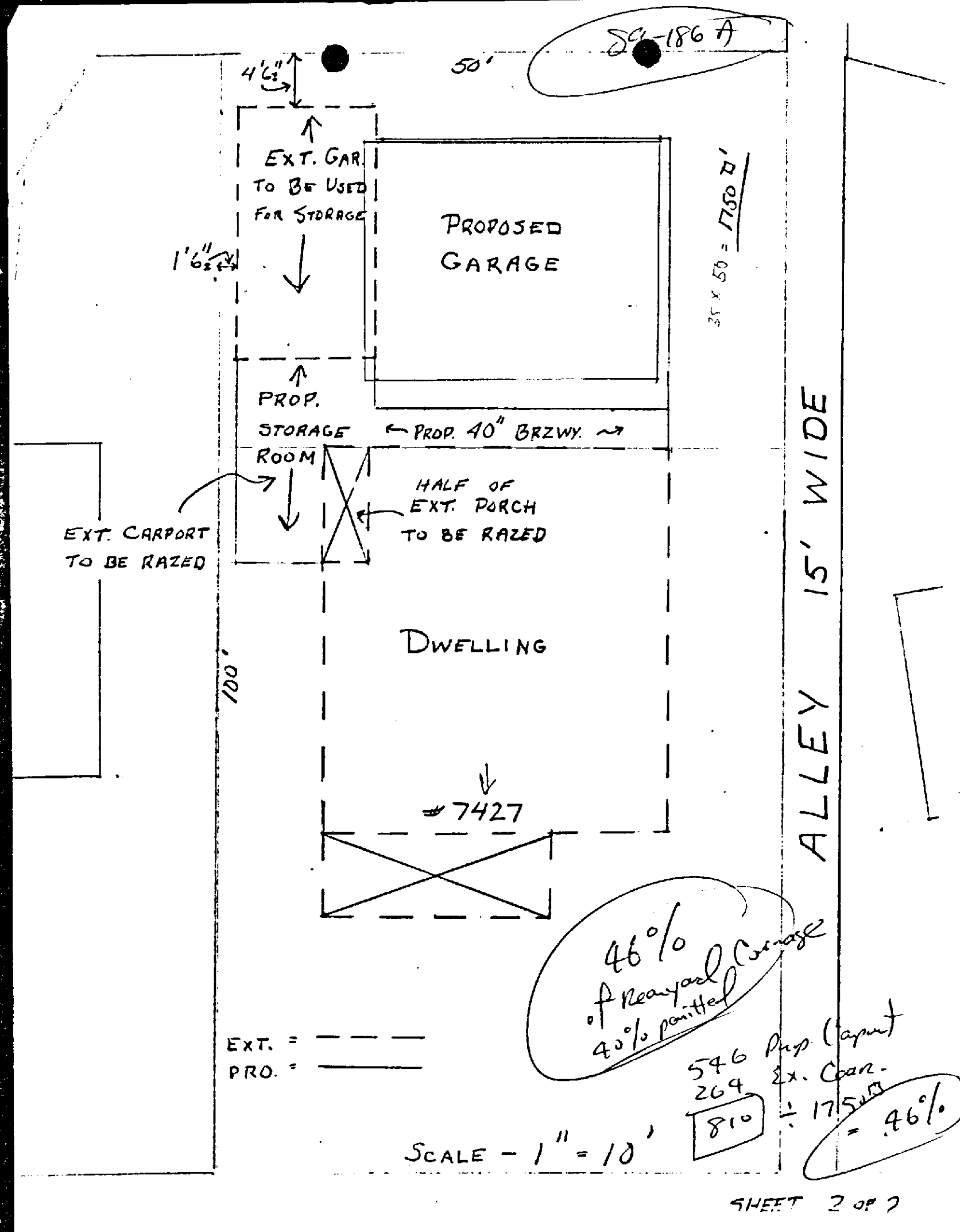
Legal Owner(s): _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
City and State _____
Address _____
Phone No. _____

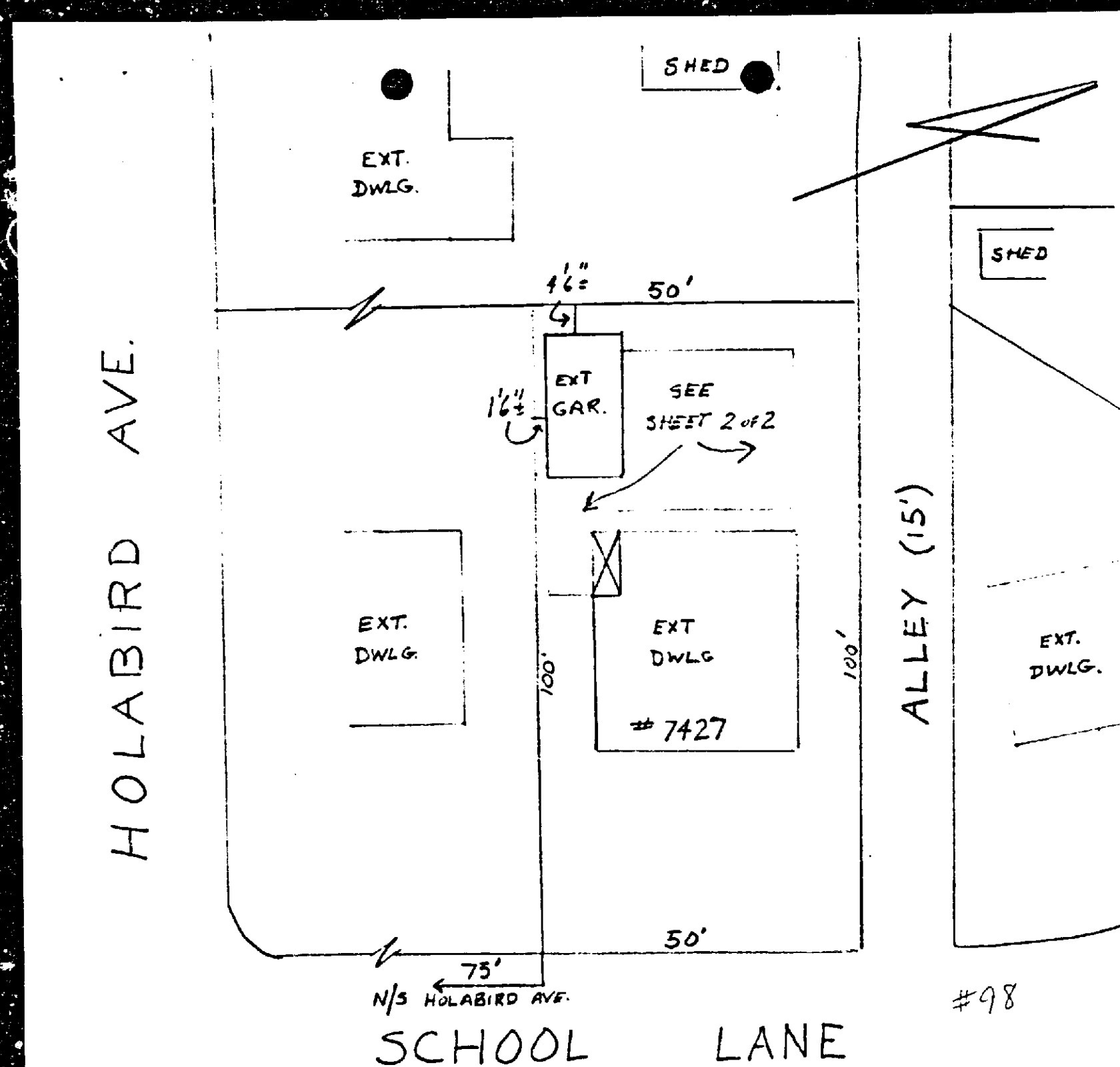
ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of November, 1988, at 2 o'clock P.M.

***** For other reasons to be expressed at the scheduled hearing *****
Zoning Commissioner of Baltimore County.

Description

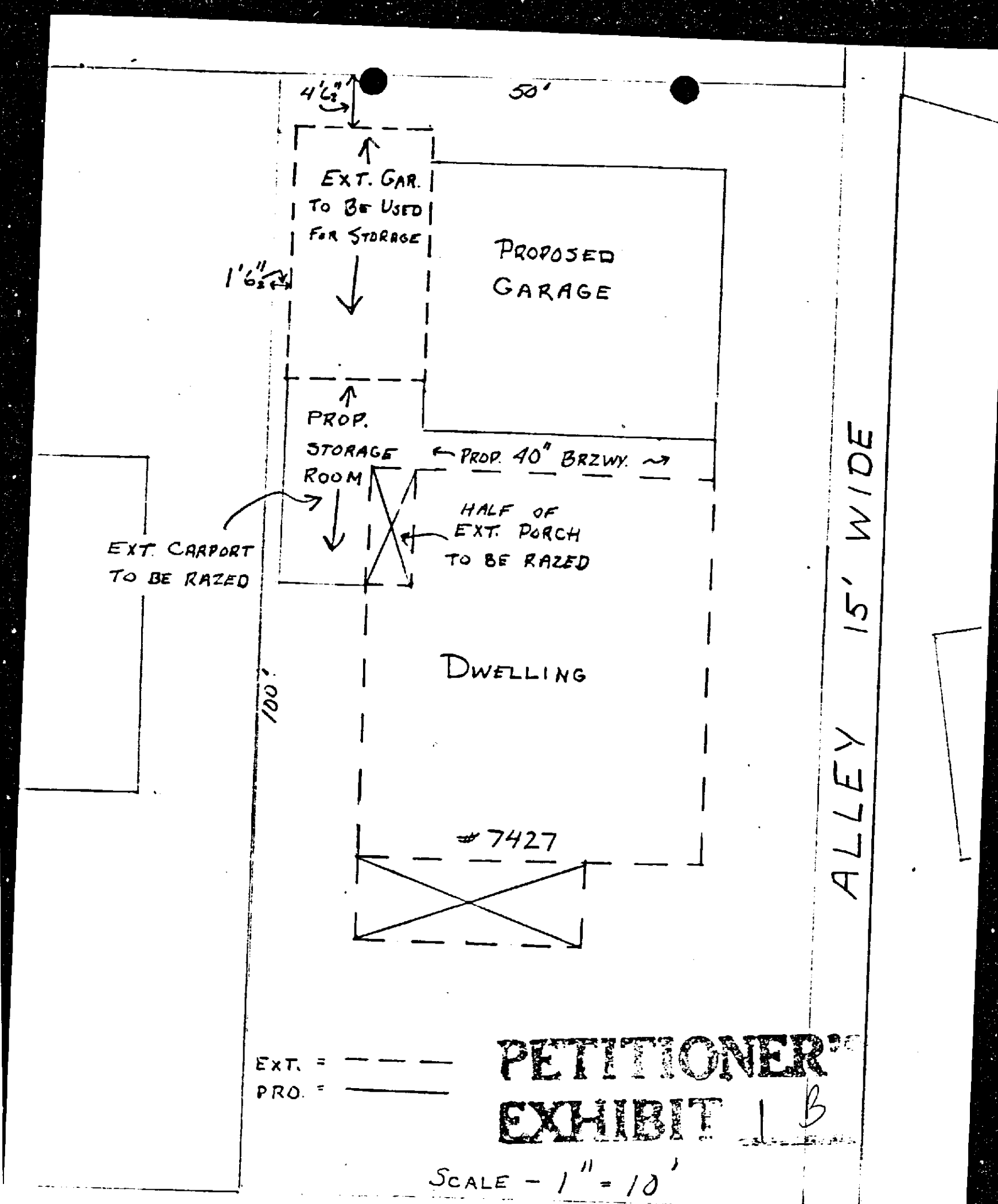
Located at the west side of School Lane approximately 75' north of Holabird Ave. and known as lot #33 as shown on the Plat of Mountain Farm Annex, which is recorded in the land records of Balto. Co. in book 13 page 17. Also known as 7427 School Lane.





VARIANCE PLAT
HAZEL & VERNON FOX
MOUNTAIN FARM ANNEX
LOT 33 13/17
PUBLIC UTILITIES EXIST
TOWNED D.R. 5.5

PETITIONER'S EXHIBIT 120A
12th ELECTION DIST.
5,000 sq ft
SHEET 1 of 2



PETITIONER'S EXHIBIT 1B
SCALE - 1" = 10'
SHEET 2 of 2

RECEIVED
ZONING OFFICE
OCT 5 1988

Baltimore for Zoning Commission
w/ School Lane 75' +/- N of Holabird Ave.
(7427 School Lane)
Case No. 89-186-A

I, Robert Haines,
Zoning Commissioner,
Baltimore County, Deputy Director
Office of Planning & Zoning
12th Election District - 7th Councilmanic District
Vernon R. Fox, et ux - Petitioners
Case No. 89-186-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353 687-3353

November 29, 1988

Mr. & Mrs. Vernon R. Fox
7427 School Lane
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
W/S School Lane, 75' +/- N of Holabird Avenue
(7427 School Lane)
12th Election District - 7th Councilmanic District
Vernon R. Fox, et ux - Petitioners
Case No. 89-186-A

Dear Mr. & Mrs. Fox:

Enclosed please find a copy of comments submitted by the Office of Planning and Zoning dated November 15, 1988 on the above-captioned matter. These comments were not received for inclusion in the case file until after the hearing on November 17, 1988.

Please review their comments and advise me in writing as to how you wish to proceed. Would it be acceptable to you to revise the plans to remove the existing garage and carport, and attach a new garage to the existing dwelling? Clearly, this would prevent an over-development of your property and permit you to construct the garage addition to meet your needs as set forth in the Petition and as placed on record at the hearing.

Please submit your written comments to me within fourteen (14) days of the date of this letter. If additional time is needed, please do not hesitate to contact my office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjjs

cc: Mrs. Pauline Marshall
505 S. Milton Avenue, Baltimore, MD. 21224

Case File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
Date: November 15, 1988

Pat Keller, Deputy Director
FROM: Office of Planning and Zoning

Hazel Fox
SUBJECT: Zoning Petition No. 89-186-A

The applicant is requesting variances to expand an existing one car garage and carport into a two car garage with storage room(s). Based upon information provided and analysis conducted, staff recommends approval of the proposed garage, however, recommends that the existing garage and carport be removed and not expanded.

The proposed garage represents a reasonable solution to the applicant's dilemma, but the expansion of the existing garage and carport into storage effectively places a 40 foot long wall along the neighbor's property line. The maintenance and visual imposition that this creates should be avoided.

PR/sf

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th
Date of Posting: 10/15/88

Posted for: Variance
Petitioner: Vernon R. Fox, et ux
Location of property: w/s School Lane, 75' +/- N of Holabird Ave.
7427 School Lane
Location of Sign: 7427 School Lane, corner 30' E. N. of duty
on property of Pat Keller

Remarks:
Posted by: M. Keller
Date of return: 10/25/88
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 27, 1988.

THE JEFFERSONIAN,

S. Zabe Orlov
Publisher

PO 05224
reg M20383
case 89-186-A
price \$ 41.25 J

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

October 27, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Petition No. 89-186-A - P.O. #05225 - Reg. #M20384 - 85 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 28th day of October 1988; that is to say the same was inserted in the issues of Oct. 27, 1988

Kimbel Publication, Inc.
per Publisher.

By

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 11-2-88

Mr. & Mrs. Vernon R. Fox
7427 School Lane
Baltimore, Maryland 21222

Re: Petition for Zoning Variance
CASE NUMBER: 89-186-A
W/S School Lane, 75' +/- N of Holabird Avenue
(7427 School Lane)
12th Election District - 7th Councilmanic District
Petitioner(s): Vernon R. Fox, et ux
HEARING SCHEDULED: THURSDAY, NOVEMBER 17, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Fox:

Please be advised that \$98.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/17/88 ACCOUNT R-01-615-000

AMOUNT \$ 98.75

FOR Vernon R. Fox

89-186-A

VALIDATION OF SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 7, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-186-A
W/S School Lane, 75' +/- N of Holabird Avenue
(7427 School Lane)
12th Election District - 7th Councilmanic District
Petitioner(s): Vernon R. Fox, et ux
HEARING SCHEDULED: THURSDAY, NOVEMBER 17, 1988 at 2:00 p.m.

Variances to allow existing one car garage and carport to be expanded to a two car garage with storage room(s) and to allow an existing one car garage and carport to be expanded to a two car garage with storage room(s).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Fox
Steve Gulicki
File

APPLICATION FOR BUILDING PERMIT

PERMIT #: 8005505 CONTROL #: MR DIST: 12 PREC: 04

LOCATION: 7427 SCHOOL LANE
SUBDIVISION: MOUNTAIN FARM
TAX ASSESSMENT #: 1300646041

OWNERS INFORMATION
NAME: FOX, VERNON & HAZEL
ADDR: 7427 SCHOOL LANE 21222

APPLICANT INFORMATION
NAME: STEPHEN GOLICKI
COMPANY: EAST COAST SIDING & HOME IMPROV LMT
ADDR: 2822 BAY DRIVE
CITY: BALTO MD 21219
PHONE #: 477-5204 LICENSE #: 8971

NOTES
MR/BAC

TRACT: CONST BLOCK: 2 R FLAT DATA ELEC YES PLUM NO
PLANS: EAST COAST SIDING
CONTR: EAST COAST SIDING
ENGR: EAST COAST SIDING
SELLR: EAST COAST SIDING
WORK: CONSTRUCT FREE STANDING CARPORT ON REAR OF PROPERTY. TRUSS ROOF 2 GLASS BLOCK WINDOWS IN REAR BLOCK WALL OF CARPORT. 24 X 24 X 8 = 546 S

PROPOSED USE: SAME & CARPORT
EXISTING USE: SFD

BLDG. CODE: 1 AND 2 F CODE OWNERSHIP: PRIVATELY OWNED
RESIDENTIAL CATEGORY: ESTIMATED COST OF MATERIAL AND LABOR: 10,000

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
FOUNDATION: CONCRETE BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: CENTRAL AIR: FUEL: PUBLIC EXIST

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS NO. OF 1 BEDROOM:
MULTI FAMILY UNITS (SEPARATE BEDROOMS): NO. OF 3 BEDROOMS OR MORE:
NO. OF 2 BEDROOMS: NO. OF 2 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: 8005505

DIMENSIONS - INSTALL FIXTURES
GARAGE DISC: BUILDING SIZE
FOUR ROOMS: FLOOR: 546SF
BATHROOMS: WIDTH: 24
KITCHEN: DEPTH: 8
LOT: HEIGHT: 8
CORNER: LOT SIZE AND SETBACKS
SIZE: 50 X 100
FRONT STREET: 54
SIDE STREET: 45
FRONT SETBACK: 45
SIDE SETBACK: 45
REAR SETBACK: 45

ZONING INFORMATION
DISTRICT: SECTION:
PETITION: LIBER:
DATE: TOTAL ASS:
MAP: CLASS:

PLANNING INFORMATION
MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:
DATE APPLIED: 02/16/89 INSPECTOR INITIALS: JG
PAID BY: CONTRACTOR PAID: \$45.00 RECEIPT #: A52991

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER DATE

PAGE 1 OF 2

To the Commissioner of Zoning,

Because we couldn't set the building the way we wanted it, we have decided to forget building the large garage and adding the extra storage rooms. Instead we decided to just leave the existing garage and carport, and are adding only a freestanding carport so we can enter from the alley way.

We apologize for the long delay in answering your letter dated 3/7/89.

Thank You,
Mr. & Mrs. Vernon R. Fox
Vernon R. Fox

RECEIVED
1989 13 1989
ZONING OFFICE

89-186-A
208-1691
part # 6005505
carport

1200 Election District (7th C.D.) 89-186-A
45 School Lane, 75+ N Holabird Avenue
(7427 School Lane)
Hearing: Thursday, November 17, 1988 at 2:00 p.m.
Petitioner(s): Vernon R. Fox, et ux
Petitioner's Attorney: *[Signature]*
Hearing to allow existing side yard setback of 1.5' in lieu of the required 10' and to allow an existing rear yard setback of 4.5' in lieu of the required 30'.
No. of Sides: 1
WET
POST BY 10/27/88

89-186-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of September, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Vernon R. Fox, et ux Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Suite 405
Towson, Maryland 21204
494354

October 11, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED ZONING OFFICE
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 55, 93, 94, 95, 96, 98, 99, 100, & 101.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSP:lab

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

September 29, 1988

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Vernon R. Fox, et ux

Location: W/S School La., 75' + N of Holabird Avenue
7427 School Lane
Item No.: 98 Zoning Agenda: Meeting of 9/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]* 9/29/88 Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

*If proposed garage is used for commercial use, then a change of occupancy permit must be obtained.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: November 15, 1988
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Hazel Fox
SUBJECT: Zoning Petition No. 89-186-A

The applicant is requesting variances to expand an existing one car garage and carport into a two car garage with storage room(s). Based upon information provided and analysis conducted, staff recommends approval of the proposed garage, however, recommends that the existing garage and carport be removed and not expanded.

The proposed garage represents a reasonable solution to the applicant's dilemma, but the expansion of the existing garage and carport into storage effectively places a 40 foot long wall along the neighbor's property line. The maintenance and visual imposition that this creates should be avoided.

FK/sf

RECEIVED ZONING OFFICE
DATE: 11/17/88

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 2, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Steve Gulicki
2822 Bay Drive
Baltimore, Maryland 21219

RE: Item No. 98 - Case No. 89-186-A
Petitioner: Vernon R. Fox, et ux
Petition for Zoning Variance

Dear Mr. Gulicki:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt